

Kingdom of Cambodia
Nation - Religion - King

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**Ministry of Commerce**  
**No. 098 MOC / SM 2008**

**Regulation (Prakas)**  
**On**  
**The Registration in the Commercial Register**

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Senior Minister
Minister of Ministry of Commerce

- Have seen Constitution of the Kingdom of Cambodia;
- Have seen Royal Decree No. NS/RKT/0704/124, dated July 15, 2004 on the Appointment of the Royal Government of Cambodia;
- Have seen Royal Code No. NS/RKM/0196/16, dated January 24, 1996 on the Announcement to use the Law on the Establishment of the Ministry of Commerce;
- Have seen Royal Code No. NS/RTK/0695/04, dated June 26, 1995 on the Announcement to the Law on Commercial Rules and Register;
- Have seen Royal Code No. NS/RKM/1199/12, dated November 18, 1999 on the Announcement to use the Law on the Amendment of Law on Commercial Rules and Register;
- Have seen Royal Code No. NS/RKM/0605/019, dated June 19, 2005 on the Announcement to use the Law on Commercial Enterprise;
- Have seen Sub-Decree No. 91 ANKR-PK, dated August 01, 2007 on the Organization and Functions of the Ministry of Commerce;
- Referring to the Inter-Ministerial Regulation (Prakas) No. 679 SHV-PK, dated August 07, 2007 on the Administrative Fees for Commercial Registration;
- Referring to the necessity of the Ministry of Commerce in the Reform of Commercial Registration process.

Hereby Decides

Article 1: Every businessman, Commercial Company having establishment, branch, representative office, affiliation or agent located in the Kingdom of Cambodia has obligation to register in the Commercial Register at Business Registration Department of the Ministry of Commerce.

Article 2: In order to ensure responsibility on all filled documents or documents to be filled and deposited at the Business Registration department of the Ministry of Commerce, a Director or shareholder has to come in front of the officials of Commercial Registration department and sign all documents by him or herself.

Article 3: Business Registration department has obligation to provide template of Articles of Incorporation (Company's Statute) to the applicant. In case the applicant represented by a lawyer or by any law firm who assist the applicant to draft Articles of Incorporation, fees payment for this service is outside the scope of the Ministry of Commerce administrative competency. Ministry of Commerce will not responsible to provide this kind of services.

Article 4: Business Registration department of the Ministry of Commerce has obligation to provide Registration Certificate (Based on New Form) on which indicates Commercial Registration Number and valid for 03 (three) years starting from the date of its registration in the Commercial Register.

Article 5: Within 30 days before the expiry date of the Commercial Registration Certificate, every Commercial Company/ Enterprise shall apply for the replacement of new certificate in order to continue validity of its Commercial registration Certificate for the other 03 years consecutively.

Article 6: For all Commercial Companies/Enterprises registered in the Commercial Register before the issuance of this Regulation and has obtained Commercial Registration Certificate (Old Form) which is older than 03 years counting from the last date of this old certificate to the date of issuing this Regulation, shall apply for the new certificate not later than 06 months after the date of issuing this regulation.

Article 7: The exchanging for new certificate will continue validity of its Commercial Registration and will be granted by the Business Registration of the Ministry of Commerce to the applicant free of charges.

Article 8: Any commercial Company/Enterprise fails to apply for the continuation of Commercial Registration validity or fails to apply for the new replacement within the prescribed period as mentioned in the above Articles 5 and 6, that Company/Enterprise shall be considered as illegal Company/Enterprise and its Commercial Registration Documents granted by the Ministry of Commerce will be considered invalid.

Also in this case, in order to obtain new and valid Commercial Registration certificate, that Company/Enterprise shall apply for the Re-registration of Commercial Registration by paying registration fees in accordance with the state's requirement.

Article 9: Any businessman or leader of the company who intentionally use falsified documents in commercial transaction shall be penalized in accordance with Article 43 of the Law on Commercial Rules and Register.

Article 10: Business Registration Department has to take appropriated measure to coordinate with Director or Shareholder who apply for Commercial Registration by

providing guidance and facilitation to them to timely and promptly obtain their Commercial Registration.

Article 11: Directorate General of Domestic Trade, Directorate General of Administration and Finance, Business Registration Department, Legal Affairs Department and all Municipal – Provincial Commercial Branches shall effectively implement the provisions of this Regulation (Prakas).

Article 8: This Regulation (Prakas) shall be effective starting from the date of this undersigned signature.

Phnom Penh, April 07, 2008

**Senior Minister
Minister of Commerce
Signature and Seal**

CHAM PRASIDH

Copies confirmed to:

- *Cabinet of Samdech Aka Mohasena Padei Decho HUN SEN*
 - *Cabinet of H.E Deputy Prime Minister SAR KHENG*
 - *Cabinet of H. E Deputy Prime Minister HOR NAMHONG*
 - *Council of Ministers "for information"*
 - *Council for the Development of Cambodia*
 - *Ministry of Economy and Finance*
 - *Ministry of Interior "for information"*
 - *Provincial/Municipal Authorities "for dissemination"*
 - *General Directorate of Royal Gazette and Computer services*
 - *Documents - Chronicles*
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